IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2535 OF 2004

Rambahal R. Yadav.....Petitioner

Versus

M/s.Zandu Pharmaceuticals Works Ltd. & ors..Respondents

Mr.R.S. Upadhyay,for the Petitioner
Mr.M.S.Naik with Mr. S.M. Naik, for the Respondent

CORAM: F.I. REBELLO, J.
DATE : 25th October, 2004

P.C.:

1. Heard learned Counsel for the petitioner. It is the case of the petitioner that his services were wrongly terminated before the age of superannuation. It is his case that his date of birth is 15th December, 1940 in terms of the School Leaving Certificate. The Respondents terminated the services of the petitioner considering that he was born in the year 1937. This date is reflected in the xerox copy of ESI records as produced by the E.S.I. Inspector.

. It is impossible to believe that the petitioner would have been employed at the age of 15 years if he had produced the School Leaving Certificate showing that he was born on 15th December, 1940. The records of the Company also do not show the date of birth as 15th December, 1940. Apart from that the correction was sought to be made for the first time when he was sought to be superannuated. In my opinion considering the facts that the petitioner accepted that he was employed in the year 1955 three years before he could reach the age of 18 years thus putting in the requisite number of eyars of service and the other averments on record this would not be a fit case for this Court to interfere in the exercise

of its extra ordinary jurisdiction. Even otherwise as the Apex Court has noted that this Court should not interfere with the date of birth at the time of recruitment. Hence Petition rejected.

(F.I.REBELLO, J.)